

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. MJ12-401

Plaintiff,

v.

DETENTION ORDER

BARRY TREMAIN,

Defendant.

Offenses charged:

Counts 1-3: Distribution of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)

Count 4: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1)

Count 5: Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 18 U.S.C. § 2

Count 6: Possession of Heroin with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) and 18 U.S.C. § 2

Count 7: Possession of Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and 18 U.S.C. § 2

Date of Detention Hearing: August 7, 2012

1 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
2 based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

3 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 4 1. Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that
5 defendant is a flight risk and a danger to the community based on the nature of
6 the pending charges. Application of the presumption is appropriate in this case.
- 7 2. Defendant has a substantial drug abuse history and possible on-going substance
8 abuse issues as he was a daily methamphetamine user until, by his statements, 8
9 months ago.
- 10 3. Defendant has prior failures to appear and failures to comply with supervision.
- 11 4. There are no conditions or combination of conditions other than detention that
12 will reasonably assure the appearance of defendant as required or ensure the
13 safety of the community.

14 IT IS THEREFORE ORDERED:

- 15 (1) Defendant shall be detained and shall be committed to the custody of the
16 Attorney General for confinement in a correction facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being held in custody
18 pending appeal;
- 19 (2) Defendant shall be afforded reasonable opportunity for private consultation with
20 counsel;
- 21 (3) On order of a court of the United States or on request of an attorney for the
22 government, the person in charge of the corrections facility in which defendant
23 is confined shall deliver the defendant to a United States Marshal for the
24 purpose of an appearance in connection with a court proceeding; and
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1 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
2 counsel for the defendant, to the United States Marshal, and to the United States
3 Pretrial Services Officer.

4 DATED this 8th day of August, 2012.

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7 JAMES P. DONOHUE
8 United States Magistrate Judge
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